



+ 32 2 548 04 90
+ 32 2 548 04 99
info@ecas.org
www.ecas.org

ECAS and the EU Rights Clinic call for strengthening the European Commission's powers to enforce the EU's free movement rules

Press Release

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Today, ECAS and the EU Rights Clinic are launching the second of Seven Strategies to improve the free movement of persons as part of the Right to Move campaign.

The second strategy calls on the European Commission to be given enhanced powers of investigation to enforce the EU rules on the free movement of persons.

Presently, the Commission's powers to enforce the free movement rules are limited to launching formal infringement proceedings against Member States. These proceedings are cumbersome and can take several years to result in court action. The European Commission also retains a discretion as to which complaints to pursue as it is under no obligation to launch infringement actions.

Several recent cases – namely, the expulsion of Roma from France, the short-lived reintroduction of border controls in Denmark and delays at the Gibraltar/Spain border – have shown that the Commission's powers of investigation are limited. **The Commission currently lacks the power to undertake unannounced inspections to investigate suspected infringements of the free movement rules.** It cannot interview citizens or compel officials to provide testimony or to take other forms of evidence. These are serious limitations on the Commission's powers to investigate breaches of the EU's free movement rules.

Given that the free movement of persons is one of the cornerstones of the Single Market, the Commission needs to have stronger powers to investigate infringements. **There is no justifiable reason why the free movement rules should remain the poorer cousin of the EU rules relating to the Schengen area or even the competition or air transport rules for that matter.**

Citizens deserve no less than a Commission equipped with a modern arsenal of measures that enables it to fulfill its mandate as "Guardian of the Treaties" to preserve and enforce the free movement rules in an effective manner.

Anthony Valcke
Legal Supervisor
EU Rights



Assya Kavrakova
Director
ECAS



Notes for the editor:

The **European Citizen Action Service (ECAS)** is an international non-profit organization based in Brussels, with a pan-European membership and 22 years of experience. ECAS's objectives are **to strengthen** European citizenship, **enforce** the free movement of rights, and **enhance** civic participation in the EU decision-making process. For more information, please visit <http://www.ecas.org/>

The **EU Rights Clinic** is a joint initiative of ECAS and the University of Kent in Brussels. The mission of the EU Rights Clinic is to help European citizens and their family members to enforce their European Union rights. For more information, please visit <http://blogs.kent.ac.uk/eu-rights-clinic/>

The University of Kent was established at Canterbury in 1965 and has now become known as the UK's European university, with students in Brussels and Paris as well as at its other Kent campuses at Medway and Tonbridge. It has nearly 20,000 students, of which around 17,000 are undergraduates and approaching 3,000 are postgraduates. The University was awarded The Queen's Anniversary Prize for Higher and Further Education for the work of its Kent Law Clinic. For more information, please visit <http://www.kent.ac.uk/law/>

The Freedom of Movement of Persons is one of the four fundamental freedoms underpinning the European project as a whole. Yet in recent times, several Governments have been calling for measures to restrict this freedom, using unsubstantiated arguments of the negative impact of free movement on their social systems. It is in response to these developments that ECAS and the EU Rights Clinic are advocating for Seven Strategies to Improve Free Movement to call on the European Institutions to take seven concrete steps to ensure that freedom of movement rights are fully respected and enforced throughout the EU.

Full details of "Strategy 2: The Commission's powers of investigation should be strengthened" can be found by following [this link](#)

For more information, please contact:

Elisa Bruno, EU Policies and Outreach Manager

Email: elisa.bruno@ecas.org

Tel: +32 2 548 98 25